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EXAMINER	
DUONG, THOMAS	
ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/931,844	HEILIG ET AL.	
	Examiner	Art Unit	
	THOMAS DUONG	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) *23-38 and 40-52* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the Applicants' After Non-Final Amendment filed on May 27, 2008. *Claims 1-22 and 39* are presented for further consideration and examination. *Claims 23-38 and 40-52* are restricted and non-elected with traverse.

Election/Restrictions

2. Applicants' election with traverse of *claims 23-38 and 40-52* in the reply filed on November 16, 2007 is acknowledged. The traversal is on the ground(s) that:

"The restriction requirement mischaracterizes a structure claim, Claim 1, and a method claim, Claim 23, as being combination and subcombination. Such a characterization is error. The action has failed to explain how a method claim can be a subcombination of a structure claim. The incorrect characterization as combination and subcombination is sufficient to have the rejection withdrawn. Claim 23 is a process and Claim 1 is an apparatus for the practice of Claim 23. Therefore, not only has the requirement used an incorrect analysis of combination and subcombination, but also the requirement has mischaracterized the claims."

This is not found persuasive because the invention of *Group 1 (claims 1-22 and 39)* are drawn to *"distributed data processing: processing agent"*, classified in class 709, subclass 202 which is distinct from the invention of *Group 2 (claims 23-38 and 40-52)* that are drawn to *"computer network managing: computer network access regulating"*, classified in class 709, subclass 225. The Examiner finds that the restriction is proper

because of the distinct inventions as presented in the Requirement for Election/Restriction dated October 15, 2007.

The requirement is still deemed proper and is therefore made FINAL. In response to this office action, cancellation of nonelected claims is required from the applicant.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. *Claims 1-22 and 39* are rejected under 35 U.S.C. 102(e) as being anticipated by Rohrabaugh et al. (US 20020091738A1).

5. With regard to *claims 1, 10, and 39*, Rohrabaugh discloses,

- *a proxy server having a code section including instructions for receiving a request for data from a client, and making a determination whether the requested data should be rendered before transmission to the client; and* (Rohrabaugh, para.1-108)

  Rohrabaugh discloses, *"With reference to the flowchart of FIG. 2A, the foregoing process is initiated by a client in a block 100, wherein the client submits a request to proxy server 32 to retrieve and convert selected content"* (Rohrabaugh, para.51). Hence, Rohrabaugh teaches of the client submitting a request to proxy

server 32 (i.e., Applicants' proxy server receiving a request for data from client). Rohrabaugh discloses, *"The logic implemented by the invention when providing content to a client using infrastructure 10B is illustrated in the flowchart of FIG. 2B, wherein the process begins in a block 101 in which the client sends a content request 39 directly to the network site (e.g., web server 26), as depicted by a transfer path 41. In a block 103, HTTP negotiations are performed to determine the format the content is to be delivered in. For example, the request may contain indicia identifying the type of content requested, such as an SVF MIME type (e.g., image/vnd.svf). This is to inform the web server that the request is for specially-formatted content rather than conventional content. The server first checks to see if it already has cached the requested content. If it has, it sends the content to the requesting client; otherwise, it retrieves the parent HTML document in a block 107. It then performs processing steps in blocks 107, 109, and 111 to retrieve content referenced through embedded tags in a manner substantially similar to that discussed above with reference to respective blocks 106, 108, and 110. The primary difference in this instance is that the web server does not receive requests from or send documents to a proxy server--rather, the content is retrieved and processed at the web server, wherein the retrieved content may be stored local to the web server or retrieved from a remote server in a manner similar to that described above"* (Rohrabaugh, para.63). Hence, Rohrabaugh teaches of the server (i.e., Applicants' proxy server) determining (i.e., Applicants' making a determination) the format the content (i.e., Applicants' requested data should be rendered) is to be delivered in (i.e., Applicants' transmission to the client).

- *a processing server coupled to the proxy server and having a code section including instructions for receiving the rendering determination from the proxy server, rendering the requested data, and transmitting the rendered data to the client.* (Rohrabaugh, para.1-108)

  Rohrabaugh discloses, *"The logic implemented by the invention when providing content to a client using infrastructure 10B is illustrated in the flowchart of FIG. 2B, wherein the process begins in a block 101 in which the client sends a content request 39 directly to the network site (e.g., web server 26), as depicted by a transfer path 41. In a block 103, HTTP negotiations are performed to determine the format the content is to be delivered in. For example, the request may contain indicia identifying the type of content requested, such as an SVF MIME type (e.g., image/vnd.svf). This is to inform the web server that the request is for specially-formatted content rather than conventional content. The server first checks to see if it already has cached the requested content. If it has, it sends the content to the requesting client; otherwise, it retrieves the parent HTML document in a block 107. It then performs processing steps in blocks 107, 109, and 111 to retrieve content referenced through embedded tags in a manner substantially similar to that discussed above with reference to respective blocks 106, 108, and 110. The primary difference in this instance is that the web server does not receive requests from or send documents to a proxy server--rather, the content is retrieved and processed at the web server, wherein the retrieved content may be stored local to the web server or retrieved from a remote server in a manner similar to that described above"* (Rohrabaugh, para.63). Hence, Rohrabaugh teaches of the web server (i.e., Applicants' processing server) being

informed (i.e., Applicants' receiving the rendering determination) that the request is for specially formatted content. Rohrabaugh discloses, *"As before, the retrieved HTML documents are translated into scalable vector representations by HTML translator 58 in a block 114, while the graphic images are translated into a compressed bitmap format by image translator 60 in a block 116, as depicted by vectorized content 62 and bitmap content 64. The vectorized content and bitmap content are then streamed from the web server to the client in a block 119, as depicted by a transfer path 67. Upon arriving at the client, the vectorized content and bitmap content are processed, scaled, and rendered on the client in a block 120"* (Rohrabaugh, para.64). Hence, Rohrabaugh teaches of the web server (i.e., Applicants' processing server) translating (i.e., Applicants' rendering) the retrieved HTML documents (i.e., Applicants' requested data) into scalable vector representations of compressed bitmaps and then streamed (i.e., Applicants' transmitting) from the web server (i.e., Applicants' processing server) to the client.

6. With regard to *claims 2 and 11*, Rohrabaugh discloses,

- *wherein the proxy server further comprises a code section including instructions for storing the requested data in an intermediate data store if it is determined that the requested data should be rendered before transmission to the client; and*

(Rohrabaugh, para.1-108)

Rohrabaugh discloses, *"The server first checks to see if it already has cached the requested content. If it has, it sends the content to the requesting client; otherwise, it retrieves the parent HTML document in a block 107. It then performs*

processing steps in blocks 107, 109, and 111 to retrieve content referenced through embedded tags in a manner substantially similar to that discussed above with reference to respective blocks 106, 108, and 110. The primary difference in this instance is that the web server does not receive requests from or send documents to a proxy server--rather, the content is retrieved and processed at the web server, wherein the retrieved content may be stored local to the web server or retrieved from a remote server in a manner similar to that described above" (Rohrabaugh, para.63). Hence, Rohrabaugh teaches of the server (i.e., Applicants' proxy server) retrieving (e.g. storing in a local storage space, implied) (i.e., Applicants' an intermediate data store) content referenced through embedded tags from appropriate servers.

- *the processing server further comprises a code section including instructions for retrieving data stored in the intermediate data store.* (Rohrabaugh, para.1-108)

7. With regard to *claims 3 and 12*, Rohrabaugh discloses,

- *wherein the proxy server includes a code section including instructions for transmitting address information to the processing server, wherein the address information corresponds to the storage location of the requested data at a data server; and* (Rohrabaugh, para.1-108)

  Rohrabaugh discloses, *"The server first checks to see if it already has cached the requested content. If it has, it sends the content to the requesting client; otherwise, it retrieves the parent HTML document in a block 107. It then performs processing steps in blocks 107, 109, and 111 to retrieve content referenced through embedded tags in a manner substantially similar to that discussed above*

with reference to respective blocks 106, 108, and 110. The primary difference in this instance is that the web server does not receive requests from or send documents to a proxy server--rather, the content is retrieved and processed at the web server, wherein the retrieved content may be stored local to the web server or retrieved from a remote server in a manner similar to that described above" (Rohrabaugh, para.63). Hence, Rohrabaugh teaches of the server (i.e., Applicants' proxy server) retrieving (e.g. storing in a local storage space, implied) (i.e., Applicants' an intermediate data store) content referenced through embedded tags from appropriate servers.

- *the processing server includes a code section containing instructions for retrieving the requested data from the data server.* (Rohrabaugh, para.1-108)

8. With regard to *claims 4 and 13-14*, Rohrabaugh discloses,

- *wherein the proxy server further comprises: a code section containing instructions for generating a link message containing address information corresponding to the requested data; and a code section containing instructions for transmitting the link message to the client.* (Rohrabaugh, para.1-108) Rohrabaugh discloses, *"The vectorized content and bitmap content are then streamed from the web server to the client in a block 119, as depicted by a transfer path 67. Upon arriving at the client, the vectorized content and bitmap content are processed, scaled, and rendered on the client in a block 120"* (Rohrabaugh, para.64)

9. With regard to *claims 5-7 and 15-18*, Rohrabaugh discloses,

- *wherein the link message further includes data type information describing the requested data.* (Rohrabaugh, para.1-108)

  Rohrabaugh discloses, *"The logic implemented by the invention when providing content to a client using infrastructure 10B is illustrated in the flowchart of FIG. 2B, wherein the process begins in a block 101 in which the client sends a content request 39 directly to the network site (e.g., web server 26), as depicted by a transfer path 41. In a block 103, HTTP negotiations are performed to determine the format the content is to be delivered in. For example, the request may contain indicia identifying the type of content requested, such as an SVF MIME type (e.g., image/vnd.svf). This is to inform the web server that the request is for specially-formatted content rather than conventional content. The server first checks to see if it already has cached the requested content. If it has, it sends the content to the requesting client; otherwise, it retrieves the parent HTML document in a block 107. It then performs processing steps in blocks 107, 109, and 111 to retrieve content referenced through embedded tags in a manner substantially similar to that discussed above with reference to respective blocks 106, 108, and 110. The primary difference in this instance is that the web server does not receive requests from or send documents to a proxy server--rather, the content is retrieved and processed at the web server, wherein the retrieved content may be stored local to the web server or retrieved from a remote server in a manner similar to that described above"* (Rohrabaugh, para.63)
- *wherein the link message further includes a client identifier and a session identifier.* (Rohrabaugh, para.1-108)

- *wherein the address information of the requested data comprises a URL and the data type information comprises a MIME type.* (Rohrabaugh, para.1-108)

10. With regard to *claims 8-9 and 19-20*, Rohrabaugh discloses,

- *wherein the client further comprises a data handler including a code section containing instructions for establishing a communication link between the client and the processing server and for receiving the rendered data from the processing server.* (Rohrabaugh, para.1-108)
- *wherein the proxy server includes a code section containing instructions for directly transmitting the requested data to the client upon the proxy server determining that the requested data do not have to be rendered before transmission to the client.* (Rohrabaugh, para.1-108)

11. With regard to *claims 21-22*, Rohrabaugh discloses,

- *comprising pre-selecting requests for data into a first category comprising requests wherein the requested data should be rendered, and a second category wherein the requested data should not be rendered;* (Rohrabaugh, para.1-108)
- *transmitting requests in the first category to the proxy server; and* (Rohrabaugh, para.1-108)
- *transmitting the requested data corresponding to requests in the second category directly to the client.* (Rohrabaugh, para.1-108)
- *wherein at least the proxy server, the processing server, and the intermediate data storage are connected on a local area network.* (Rohrabaugh, para.1-108)

Response to Arguments

12. Applicants' arguments with respect to *claim 1* have been considered but they are not persuasive.

13. With regard to *claim 1*, the Applicants point out that:

- *Claim 1 recites a proxy server and a processing server, two distinct servers that are both distinct from "the client." Moreover, Claim 1 recites specific characteristics for each of the two servers.*
- *Specifically, the proxy server receives a request for data and makes a determination whether the data should be rendered before transmission to the client. The processing server receives the rendering determination from the proxy server, renders the requested data and transmits the rendered data to the client. Thus, according to Claim i, when data must be rendered, a server, different from the server receiving the request from the client, does the rendering and then transmits the rendered data to the client.*

However, the Examiner finds that the Applicants' arguments are not persuasive because *claim 1* recites *"a processing server coupled to the proxy server"* which can be interpreted as the two server functions are physically running on a physical server as disclosed by Rohrabaugh, *" A second exemplary system infrastructure 10B for implementing the invention is shown in FIG. 1B. As will be readily recognized, much of infrastructure 10B is similar to infrastructure 10A; however, rather than have a separate proxy server perform the proxy functions (retrieve and translate content), these functions are performed on machines operated by the web site in*

infrastructure 10B" (Rohrabaugh, para.62). The independent *claim 1* does not specify that the two server functions are located on separate physical servers.

Conclusion

14. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

/Thomas Duong/

Patent Examiner, Art Unit 2145

September 18, 2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145